

M E M O R A N D U M

TO: Governing Board Members

FROM: Sheryl Wood, General Counsel

DATE: October 1, 2010

SUBJECT: Amendment to contract with Carlton Fields, P.A. for continued legal services, (Contract Number 4600002147)

Background

This proposed amendment continues legal representation, legal advice, and legal counsel in the Friedman/Starkman v. SFWMD matter.

How this helps meet the District's 10-Year Strategic Plan

The District was served with two inverse condemnation complaints in Orange County involving 68 parcel owners. This amendment provides legal services to defend the District in this case.

Funding Source:

Budgeted in ad valorem funds of \$406,800.00 for a total amended contract amount of \$556,800.00.00.

This Board item impacts what areas of the District, both resource areas and geography: An inverse condemnation action was filed against the District and Orange County by numerous parties who own parcels in the Single Creek/Save Our Rivers Project boundary. The lawsuit alleges pre-condemnation tactics by the District in concert with Orange County.

What concerns could this Board item raise?

To not contract for these legal services could impede the District's ability to provide legal services for other District priorities.

Why should the Governing Board approve this item?

Although the plaintiffs allege a novel legal theory, it is important for the District to vigorously defend this lawsuit to ensure that a bad legal precedent is not created. With 75 plaintiffs in the two lawsuits, this is a very voluminous case and significant District resources including several in-house lawyers and technical staff are already heavily devoted to this case. This attorney with Carlton Fields has significant expertise in this area of law and is needed to be part of the legal team. Failure to contract may jeopardize this legal matter as internal resources are not sufficient to handle this case.

Thank you for your review and if you have any questions, please don't hesitate to call me.

SGW/ejm